

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

FRANCISCO JAVIER DEANDA,

Petitioner,

v.

WARDEN SALMONSON,

Respondent.

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CIVIL ACTION NO. 5:22-CV-00041-RWS-CMC

ORDER

Petitioner Francisco Javier DeAnda, an inmate proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. The Magistrate Judge recommended the above-styled petition be dismissed without prejudice. Docket No. 5.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Petitioner acknowledged receipt of the Report and Recommendation on May 4, 2022. Docket No. 6. Because no objections to the Magistrate Judge's report have been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

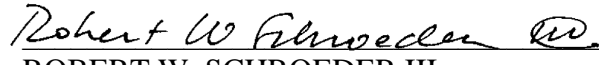
Nonetheless, the Court has reviewed the pleadings and the Magistrate Judge's Report and agrees with the Report. See *United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute

permits the district court to give to the magistrate's proposed findings of fact and recommendations 'such weight as [their] merit commands and the sound discretion of the judge warrants.' ") (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 7th day of June, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE